

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.10479 of 2020

Ezhumalai
S/o. Duraisamy

... Petitioner

Vs.

State rep. by

The Inspector of Police,
Cuddalore NT Police Station,
Cuddalore District.

Crime No.137/2020. ...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of arrest in Connection with the Crime No.137 of 2020 pending on the file of the respondent police.

For Petitioner : Mr..R.Nalliyappan

For Respondent : Mr.M.Mohammed Riyaz
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 174(3) of Cr.P.C. @ 498 (A) and 304 (B) IPC, in Crime No.137 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Selvanayaki is that her daughter married the first accused viz., Arun on 14.06.2019. At the time of marriage, 25 sovereign gold and household articles were given. After marriage, the accused persons continuously harassed her daughter by demanding additional dowry and had driven her out from the matrimonial home. While so, on 19.03.2020 the mother-in-law had assaulted the victim and thereby, the victim had come back to her father's house. The next day i.e. on 20.03.2020, the victim had committed suicide by consuming poison.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the son of the petitioner got married to the victim on 14.06.2020 and the victim was not interested in the marriage and that she had gone back to her father's house. Even as per the complainant, the major allegations are only against A2, the wife of the petitioner and A1, the son of the petitioner. He would further submit that they were arrested and enlarged on bail and the RDO enquiry has also been completed and there is no specific overt act attributed against this petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner is the father-in-law of the victim. He would further submit that the petitioner along with his son and wife committed cruelty on the victim and demanded dowry due to which, the victim committed suicide at her father's house. He would further submit that RDO enquiry has been completed and the report has also been obtained and there is no demand of dowry.

5. Taking into consideration the submissions made by the learned counsel and the fact that the main accused have been released on bail and there is no specific overt act attributed against this petitioner with regard to demand of dowry, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest by the respondent police or on his appearance, within a period of fifteen days from lifting of lockdown or commencement of Court's normal functioning whichever is earlier, before the learned Judicial Magistrate (Additional Mahila Court) Cuddalore, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter on the 1st working day of every month until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

8.With the above directions, this Criminal Original Petition is ordered.

-sd/-
13/07/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT, CUDDALORE

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
CUDDALORE NT POLICE STATION,
CUDDALORE DISTRICT,

CC to M/S. R.NALLIYAPPAN Advocate on payment of necessary charges

WEB COPY

CRL OP.10479/2020

Date :13/07/2020

RD 18/08/2020